THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 17042 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Assailing the memo dated 14.07.2006 issued by the 2nd respondent calling upon him to show cause as to why he should not be dismissed from service, the petitioner filed this writ petition.

The petitioner earlier filed writ petition in W.P. No. 18251 of 1999 assailing the notice issued by the 2nd respondent to show cause as to why he should not be dismissed from service for production of a false educational certificate at the time of his initial appointment. The said writ petition was allowed by this Court vide order dated 23.01.2004, holding that respondent No.2 is not entitled to issue the show cause notice and the 1st respondent is, however, at liberty to conduct a *de novo* enquiry against the petitioner, if it so desires. Thereafter, *de novo* enquiry was conducted and the 2nd respondent issued the impugned show cause notice. The petitioner is assailing the impugned show cause notice on the ground that the enquiry was conducted behind his back and neither the *de novo* enquiry officer nor the 2nd respondent has considered the submissions made by him, except relying on the alleged report received from the D.E.O., Guntur and the Head Master, ZPHS, Karampudi. He thus submitted that the impugned show cause notice cannot be sustained, and prayed to quash the same.

The law is well settled that a writ petition against a show cause notice is not maintainable. In **K.M. Safiullah v. A.P. State Wakf Board**[1], this Court held:

> The writ Court would not ordinarily interfere at the stage of show cause notice for it favours the quasi-judicial authority vested with the power to exercise and discharge its statutory functions with a free hand, independent from outside control. When a statutory authority issues a show cause notice, the recipient of the show cause notice has ample opportunity to approach the quasi-judicial authority to place his/her case before such authority that will decide in accordance with law. If any order passed by the quasi-judicial authority goes against the person, it is always open to such person to avail the remedy of appeal and then approach this Court under Article 226 of the Constitution, if it is permissible under law. A writ petition against a show cause notice is, ordinarily, not maintainable.

In view of the above, the only option available to the petitioner is to submit his reply to the show cause notice. The petitioner may submit his reply to the show cause notice, within a period of ten days from the date of receipt of a copy of this order, and he is at liberty to take all the objections, which he had taken in this writ petition. The authority concerned, shall consider the objections, which the petitioner may take in his reply, and pass appropriate orders thereon, within a period of six weeks from the date of submission of reply by the petitioner. In the event, the authority concerned after considering the objections of the petitioner in the reply, passes an order, which goes adverse to the petitioner, then the petitioner is at liberty to assail the same in appropriate proceedings.

With the above directions, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 21.08.2006.
Nsr/Ksr

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[1] 2003 (2) ALT 253